

Senate File 92 - Introduced

SENATE FILE 92

BY BOLKCOM, DANIELSON, and
DVORSKY

A BILL FOR

1 An Act increasing punitive damages that may be awarded for
2 wrongful retention of certain rental deposits.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562A.12, subsection 7, Code 2011, is
2 amended to read as follows:

3 7. The ~~bad faith~~ wrongful retention of a deposit by a
4 landlord, or any portion of the rental deposit, in violation
5 of this section shall subject the landlord to punitive damages
6 ~~not to exceed two~~ equal to double the amount of the deposit or
7 the portion of the deposit wrongfully retained or five hundred
8 dollars, whichever is more, in addition to actual damages.

9 Sec. 2. Section 562B.13, subsection 8, Code 2011, is amended
10 to read as follows:

11 8. The ~~bad faith~~ wrongful retention of a deposit by a
12 landlord, or any portion of the rental deposit, in violation
13 of this section shall subject the landlord to punitive damages
14 ~~not to exceed two~~ equal to double the amount of the deposit or
15 the portion of the deposit wrongfully retained or five hundred
16 dollars, whichever is more, in addition to actual damages.

17 EXPLANATION

18 This bill increases the amount of punitive damages that can
19 be awarded when a landlord wrongfully retains a rental deposit
20 or a portion of a rental deposit made to secure performance of
21 a residential rental agreement under Code section 562A.12 or a
22 mobile home space rental agreement under Code section 562B.13.

23 The bill requires that a landlord who violates these
24 provisions shall be subject to punitive damages equal to double
25 the amount of the deposit or portion of the deposit that is
26 wrongfully retained or \$500, whichever is more, in addition to
27 actual damages.

28 Currently, a violation of these sections cannot subject a
29 landlord to punitive damages in excess of \$200.